

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SHANE GUAY,

Defendant.

19-CR-103-LJV-HKS

NOTICE OF MOTION

MOTION BY:

Jeffrey T. Bagley, Assistant Federal Public Defender.

DATE, TIME & PLACE:

Before the Honorable H. Kenneth Schroeder, Jr.,
United States Magistrate Judge, Robert H. Jackson
United States Courthouse, 2 Niagara Square,
Buffalo, New York, **on the papers submitted.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
Jeffrey T. Bagley, dated August 26, 2019.

RELIEF REQUESTED:

Adjournment of motion deadline for forty-five (45)
days.

DATED:

Buffalo, New York, August 26, 2019.

Respectfully submitted,

/s/Jeffrey T. Bagley

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Counsel for Defendant Shane Guay

TO: Jeremy Murray
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

19-CR-103-LJV-HKS

v.

AFFIRMATION

SHANE GUAY,

Defendant.

JEFFREY T. BAGLEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Shane Guay.

2. I make this affirmation in support of Mr. Guay's motion to adjourn the motion deadline for forty-five (45) days.

3. I make this application because I have been making my way through voluminous discovery in this case but have not yet completed that review process. Further, Mr. Jerry Grant, an forensic investigator for the Federal Public Defender's Office, is attempting to schedule a mutually agreeable time with the law-enforcement agents to review the physical evidence in this case. Finally, I was recently provided with a video of a post-arrest interview that I had not yet been in possession of.

4. In addition, the parties are actively engaging in plea negotiations, which if fruitful, would obviate the need for motion practice and preserve judicial resources. Mr. Murray has provided the defense with the broad parameters of a plea agreement that Mr. Guay is considering. But he cannot make an informed decision until the evidence review is complete.

5. Assistant United States Attorney Jeremy Murray has no objections to this adjournment.

6. Mr. Guay is currently on pretrial release and no issues have been reported.

7. Should the motion be granted, the defendant agrees that the speedy trial time between the granting of the adjournment and the new pretrial motion deadline is excludable in the interests of justice and for the effective assistance of counsel. These interests outweigh Mr. Guay's interest and that of the public in a speedy trial.

WHEREFORE, it is respectfully requested that the Court grant Mr. Guay's motion for a forty-five (45) day adjournment of the motion deadline.

DATED: Buffalo, New York, August 26, 2019.

Respectfully submitted,

/s/Jeffrey T. Bagley

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